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**REMARKS**

Claims 1-35 are pending in the present Application. Claims 9, 10, 21, 22, 29, and 30 have been amended, leaving Claims 1-35 for consideration upon entry of the present Amendment. The Specification has been amended to correct certain typographical errors and provide clarifications, as explained in detail below. No new matter has been introduced by these amendments. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Specification Amendments

Page 3, line 15, "comprising" is amended to "comprise".

Page 9, line 1, definitions of "T" and "D" are added.

Page 11, line 10, a definition of "modified polyhedral oligomeric silsesquioxane" ("modified POSS") is added.

Applicants respectfully point out that these amendments are made to correct inadvertent typographical errors and further clarify certain terms used in the instant application. All these additional definitions find support in the Specification. No new matter has been introduced by these amendments. Moreover, the scope of this application has not been narrowed in any way by these amendments.

Both "T" and "D" are commonly used and well understood by persons of ordinary skill in the art to mean " $\text{SiO}_{1.5}$ " and " $\text{SiO}$ ", respectively. Notwithstanding, "T" is already defined as " $\text{SiO}_{1.5}$ " in the Specification in the first paragraph on page 8. "D" is " $\text{SiO}$ ", as can be deducted from the chemical structure next to the chemical formula,  $\text{R}_7\text{T}_4\text{D}_3(\text{OY})_3$ , at the top of page 9 of the Specification. No new matter is introduced by this amendment, since the application as a whole and the chemical structures on pages 8 and 9 of the Specification in particular teach the substituents "T" and "D".

Lines 9-15 on page 11 of the Specification already described a "modified polyhedral oligomeric silsesquioxane" as a reaction product between a POSS monomer having reactive

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functionality and an organic compound having two or more functionalities. The new definition re-phrases this description to further clarify the meaning of this term.

Claim Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 9, 10, 21, 22, 29 and 30 stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the Specification in such a way as to enable one skilled in the art to make and/or use the invention. In particular, the Examiner states that the Specification fails to provide an enabling disclosure for silsesquioxane filler of claims 9, 10, 21, 22, 29 and 30 when that filler is of the formula,  $R_7T_4D_3(OY)_3$ , because substituents  $T_4$  and  $D_3$  are not defined in such a manner as to allow one of ordinary skill in the art to make and use the invention.

Definitions of "T" and "D" to mean " $SiO_{1.5}$ " and " $SiO$ ", respectively, have been added to Claims 9, 10, 21, 22, 29, and 30. These definitions find support in the Specification for reasons presented previously. Accordingly, reconsideration and allowance are respectfully requested in view of these amendments and clarifications.

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 9, 10, 21, 22 and 29 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner states that Claims 9, 10, 21, 22, 29 and 30 fail to particularly point out substituents  $R_7$ ,  $T_4$  and  $D_3$  of the formula,  $R_7T_4D_3(OY)_3$ .

As described above, definitions of "T" and "D" to mean " $SiO_{1.5}$ " and " $SiO$ ", respectively, have been added to Claims 9, 10, 21, 22, 29, and 30 and these definitions find support in the Specification. "R" is already defined in the Specification to mean "hydrocarbon group". " $R_7$ " means "7 units of the R group"; " $T_4$ " means "4 units of the T group"; and " $D_3$ " means "3 units of the D group", as commonly used and understood by persons of ordinary skill in the art. It is therefore believed that the substituents of the formula  $R_7T_4D_3(OY)_3$  are

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adequately defined. Accordingly, reconsideration and allowance are respectfully requested in view of these amendments and clarifications.

**Claim Rejections Under 35 U.S.C. § 101 - "Same Invention" Type Double Patenting**

Claims 1-8, 11-20, and 24-35 stand rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims of 1-30 of prior US Patent No. 6,653,365 ("the '365 patent"). Applicants respectfully traverse this rejection.

The '365 patent and the instant application are directed to different subject matter. The '365 patent claims a dental composite material that comprises a polymerizable resin composition, a filler system comprising polyhedral oligomeric silsesquioxane ("POSS") fillers, and a curing system. On the other hand, the instant application claims a dental composite material comprising a polymerizable ethylenically unsaturated resin composition, a filler composition comprising a modified polyhedral oligomeric silsesquioxane ("modified POSS") filler, and a curing system. A modified POSS is different from a POSS. As disclosed in the Specification of the instant application, a POSS (polyhedral oligomeric silsesquioxane) has the generic formula  $(RSiO_{1.5})_n$ , where R is a hydrocarbon and n is 6, 8, 10, 12, or higher. A "POSS monomer" is a functionalized POSS wherein one or more of the covalently bound organic groups are reactive with at least one component of the resin composition. And a modified POSS is the reaction product between a POSS monomer and an organic compound having two or more functionalities. Accordingly, applicants respectfully request reconsideration and allowance in view of these remarks.

**Claim Rejections Under Judicially Created Obviousness-Type Double Patenting**

Claims 1-8, 11-20, and 24-35 stand rejected under judicially created obviousness-type double patenting over claims 1-30 of the '365 patent. The '365 patent is the parent to the instantly pending case. A terminal disclaimer will be submitted.

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It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein as amended should now be allowable to Applicants. Accordingly, reconsideration and allowance are respectfully requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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